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Freedom of speech and M-312

Stephen Woodworth's motion about when life begins belongs in committee on Parliament Hill

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"The House of Commons, however, is not a laboratory. It is not a house of faith, an academic setting or a hospital. It is a legislature, and a legislature deals with law, specifically, in this case, subsection 223(1) of the Criminal Code." [1] These were the words of one Gordon O'Connor, Chief Government Whip, with regards to Conservative MP Stephen Woodworth's motion, M-312, which proposes a bi-partisan committee to discuss when life begins, and for which there will most likely be a vote on June 13.

M-312 has been "divisive." Nothing proves this better than Gordon O'Connor's fundamentalist rant during the first hour of debate. However, this non-binding motion, if passed, would do nothing more (and nothing less) than engender free discussion. If this topic is off limits then so too are a host of others, something not lost on the mainstream media. Dan Gardner commented in the *Ottawa Citizen* that with Gordon O'Connor's speech, "the Government repudiated a big chunk of its own agenda," including attempts to litigate on prostitution and what Gardner refers to as the Conservative Government's war on illicit drugs. [2]

It is possible to discuss thorny issues

A mere 40 years ago, Parliament appears to have had no problem grappling with thorny issues. "In 1966, Lester Pearson's Liberal minority government moved discussion of divorce, contraception and abortion to a Standing Committee of the House of Commons," writes Paul Tuns, editor of *The Interim*, a newspaper dedicated to life and family issues. He goes on: "The federal discussion would take place in the Standing Committee on Health and Welfare, signaling that politicians thought abortion to be more of medical issue than a legal one, despite its presence in the Criminal Code." [3]

M-312 not a slam dunk for pro-life camp

Neither is M-312 a slam dunk for the pro-life side. Many academics, doctors, theologians, activists, politicians and journalists will be fully prepared—only too happy—to testify that life does not begin at conception, which is Stephen Woodworth's view. As such, M-312 may subject the pro-life camp to ridicule. Alternatively, many, (this includes the current President of the United States) will make the claim that knowing such concepts is "above their pay grade."

Avoiding discussion "unworthy of a democratic country"

No matter the outcome, voting against debate and discussion is unbecoming of a democracy. This was Andrew Coyne's view in a column dated April 27, 2012. "Woodworth's approach, while wide of the mark," he wrote, "is at least an attempt to break through the taboo on debating abortion. It is further indication — the furor over sex-selective abortion is another — that the issue is far from settled in the public mind."

The pretense that it is, like the contradictory but often simultaneously advanced claim that it is too “divisive,” is unworthy of a democratic country.” [4]

Unlikely bedfellows

M-312 is controversial, mainly when talking to the most extreme fringe of the pro-choice camp—and the Prime Minister’s Office. Prime Minister Harper’s positioning on this motion lands him on a team with people who neither support his general direction for Canada, nor trust him on the issue of abortion. Needless to say, this is not a vote-winning proposition come the next election.

Furthermore, if Gordon O’Connor is correct and Parliament is not a place to discuss abortion, it is in direct contradiction to the Supreme Court of Canada. In the *R v Morgentaler* decision, Supreme Court of Canada Justice Bertha Wilson wrote:

The precise point in the development of the foetus at which the state’s interest in its protection becomes “compelling” I leave to the informed judgment of the legislature, which is in a position to receive guidance on the subject from all the relevant disciplines.
[5]

The Prime Minister has clearly stated on several occasions that he has no intention of opening up the abortion debate. Fair enough. But the debate has been underway both in the public square and the halls of the House of Commons for some time. Our elected officials refuse to follow the will of the people.

Parliamentarians have supported more controversial bills in the past

As such, M-312 offers an opportunity for Canada to nurture freedom of speech by engaging in meaningful dialogue on topics of importance and to do so in the non-coercive framework of a motion. By contrast, MP Rod Bruinooog’s Bill C-510, which aimed to change the criminal code to make coerced abortion a crime (Roxanne’s Law), was likely more inflammatory for the fact that it explicitly referenced abortion, and that in the context of a bill, not a motion. Still, fully 86 of our current parliamentarians voted in favour of it. (For a list of those who voted in favour, see the footnote.) [6]

A mere 40 years ago, Mr. O’Connor’s speech with regards to M-312 might have elicited laughter for the suggestion that the House of Commons cannot receive information from various jurisdictions, resulting in a debate. Today, with the continuing decline in both parliamentary decency and democracy, these false notions are the talking points of our Prime Minister. Parliament is indeed a place to discuss and debate ideas, and many Canadians still believe this, in spite of current norms. M-312 gives all Parliamentarians the opportunity to align themselves with the nurturing of free speech in Canada today, while making no comment at all about abortion.

If free speech is denied on this issue, which issue will be next?

Endnotes

[1] House of Commons of Canada. (2012, April 26). Private Members’ Business. Hon. Gordon O’Connor (Minister of State and Chief Government Whip, CPC), 41st Parliament, 1st Session. Retrieved from <http://www.parl.gc.ca/HousePublications/Publication.aspx?DocId=5524696&Language=E&Mode=1>

[2] Gardner, D. (2012, April 30). The government’s selective defence of freedom. *The Ottawa Citizen*, p. A11. Retrieved from <http://www.ottawacitizen.com/opinion/columnists/government+selective+defence+freedom/6538012/story.html>

[3] Tuns, P. (2009, April 1). Why the abortion law was changed. *The Interim*. Retrieved from <http://www.theinterim.com/issues/abortion/why-the-abortion-law-was-changed/print/>

[4] Coyne, A. (2012, April 27). The idea we can’t debate abortion is unworthy of a democratic country. *The National Post*. Retrieved from <http://fullcomment.nationalpost.com/2012/04/27/andrew-coyne-the-idea-we-cant-debate-abortion-is-unworthy-of-a-democratic-country/>

[5] *R. v. morgentaler*, [1988] 1 S.C.R. 30.

[6] Current Members of Parliament who voted in favour of Bill C-510 in 2010 (also known as Roxanne's Law):

| | | |
|---------------------------|-------------------------------------|--------------|
| Karygiannis, Jim (Hon.) | Scarborough—Agincourt | Liberal |
| Lamoureux, Kevin | Winnipeg-North | Liberal |
| MacAulay, Lawrence (Hon.) | Cardigan | Liberal |
| McKay, John (Hon.) | Scarborough—Guildwood | Liberal |
| Goldring, Peter | Edmonton East | Independent |
| Albrecht, Harold | Kitchener—Conestoga | Conservative |
| Allen, Mike | Tobique—Mactaquac | Conservative |
| Allison, Dean | Niagara West—Glanbrook | Conservative |
| Anders, Rob | Calgary West | Conservative |
| Anderson, David | Cypress Hills—Grasslands | Conservative |
| Ashfield, Keith (Hon.) | Fredericton | Conservative |
| Benoit, Leon | Vegreville—Wainwright | Conservative |
| Bezan, James | Selkirk—Interlake | Conservative |
| Block, Kelly | Saskatoon—Rosetown—Biggar | Conservative |
| Boughen, Ray | Palliser | Conservative |
| Breitkreuz, Garry | Yorkton—Melville | Conservative |
| Brown, Gordon | Leeds—Grenville | Conservative |
| Brown, Lois | Newmarket—Aurora | Conservative |
| Brown, Patrick | Barrie | Conservative |
| Bruinooge, Rod | Winnipeg-South | Conservative |
| Calandra, Paul | Oak Ridges—Markham | Conservative |
| Calkins, Blaine | Wetaskiwin | Conservative |
| Cannan, Ron | Kelowna—Lake Country | Conservative |
| Carrie, Colin | Oshawa | Conservative |
| Clarke, Rob | Desnethé—Missinippi—Churchill River | Conservative |
| Davidson, Patricia | Sarnia—Lambton | Conservative |
| Del Mastro, Dean | Peterborough | Conservative |
| Devolin, Barry | Haliburton—Kawartha Lakes—Brock | Conservative |
| Fast, Ed (Hon.) | Abbotsford | Conservative |
| Galipeau, Royal | Ottawa—Orléans | Conservative |
| Gallant, Cheryl | Renfrew—Nipissing—Pembroke | Conservative |
| Glover, Shelly | Saint Boniface | Conservative |
| Grewal, Nina | Fleetwood—Port Kells | Conservative |
| Harris, Richard M. | Cariboo—Prince George | Conservative |
| Hiebert, Russ | South Surrey—White Rock—Cloverdale | Conservative |
| Hoback, Randy | Prince Albert | Conservative |
| Hoepfner, Candice | Portage—Lisgar | Conservative |
| Jean, Brian | Fort McMurray—Athabasca | Conservative |
| Kamp, Randy | Pitt Meadows—Maple Ridge—Mission | Conservative |
| Kenney, Jason (Hon.) | Calgary Southeast | Conservative |
| Komarnicki, Ed | Souris—Moose Mountain | Conservative |
| Kramp, Daryl | Prince Edward—Hastings | Conservative |
| Lake, Mike | Edmonton—Mill Woods—Beaumont | Conservative |
| Lauzon, Guy | Stormont—Dundas—South Glengarry | Conservative |
| Lemieux, Pierre | Glengarry—Prescott—Russell | Conservative |

| | | |
|------------------------|--|--------------|
| Lobb, Ben | Huron—Bruce | Conservative |
| Lukiwski, Tom | Regina—Lumsden—Lake Centre | Conservative |
| Lunney, James | Nanaimo—Alberni | Conservative |
| Mayes, Colin | Okanagan—Shuswap | Conservative |
| McColeman, Phil | Brant | Conservative |
| Merrifield, Rob (Hon.) | Yellowhead | Conservative |
| Miller, Larry | Bruce—Grey—Owen Sound | Conservative |
| Moore, Rob (Hon) | Fundy Royal | Conservative |
| Norlock, Rick | Northumberland—Quinte West | Conservative |
| O'Neill Gordon, Tilly | Miramichi | Conservative |
| Payne, LaVar | Medicine Hat | Conservative |
| Poillievre, Pierre | Nepean—Carleton | Conservative |
| Preston, Joe | Elgin—Middlesex—London | Conservative |
| Rajotte, James | Edmonton—Leduc | Conservative |
| Reid, Scott | Lanark—Frontenac—Lennox and Addington | Conservative |
| Richards, Blake | Wild Rose | Conservative |
| Ritz, Gerry (Hon.) | Battlefords—Lloydminster | Conservative |
| Scheer, Andrew (Hon.) | Regina—Qu'Appelle | Conservative |
| Shea, Gail (Hon.) | Egmont | Conservative |
| Shipley, Bev | Lambton—Kent—Middlesex | Conservative |
| Shory, Devinder | Calgary Northeast | Conservative |
| Smith, Joy | Kildonan—St. Paul | Conservative |
| Sorenson, Kevin | Crowfoot | Conservative |
| Storseth, Brian | Westlock—St. Paul | Conservative |
| Sweet, David | Ancaster—Dundas—Flamborough—Westdale | Conservative |
| Toews, Vic (Hon.) | Provencher | Conservative |
| Trost, Brad | Saskatoon—Humboldt | Conservative |
| Tweed, Merv | Brandon—Souris | Conservative |
| Uppal, Tim (Hon.) | Edmonton—Sherwood Park | Conservative |
| Van Kesteren, Dave | Chatham-Kent—Essex | Conservative |
| Van Loan, Peter (Hon.) | York—Simcoe | Conservative |
| Vellacott, Maurice | Saskatoon—Wanuskewin | Conservative |
| Warawa, Mark | Langley | Conservative |
| Warkentin, Chris | Peace River | Conservative |
| Watson, Jeff | Essex | Conservative |
| Weston, John | West Vancouver—Sunshine Coast—Sea to Sky Country | Conservative |
| Weston, Rodney | Saint John | Conservative |
| Wong, Alice (Hon.) | Richmond | Conservative |
| Woodworth, Stephen | Kitchener Centre | Conservative |
| Yelich, Lynne (Hon.) | Blackstrap | Conservative |
| Young, Terence | Oakville | Conservative |

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